

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

200233  
435, Guiping Road, ShangHai  
SHANGHAI PATENT & TRADEMARK LAW OFFICE

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43 *bis*.1)

Date of mailing  
08 JUN 2006 (03.06.2006)

Applicant's or agent's file reference  
053534 PC

**FOR FURTHER ACTION**  
see paragraph 2 below

International application No.  
PCT/CN2005/000746

International filing date (*day/month/year*)  
27.May 2005 (27.05.2005)

Priority date (*day/month/year*)

International Patent Classification (IPC) or both national classification and IPC  
G06F 19/00 (2006.01) i

Applicant  
INTEL CORPORATION et al

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/CN  
The State Intellectual Property Office, the  
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Facsimile No. 86-10-62019451

Date of completion of this opinion  
04.Apr.2006 (04.04.2006)

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/CN2005/000746

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper  
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed  
☐ filed together with the international application in electronic form  
☐ furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CN2005/000746

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement:**

Novelty (N)	Claims <u>1—34</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims _____	YES
	Claims <u>1—34</u>	NO
Industrial applicability (IA)	Claims <u>1—34</u>	YES
	Claims _____	NO

**2. Citations and explanations**

The present invention discloses a language tutor system and method. The system comprises a client module and a server module. The client module provides a benchmark audio sentence in the second language to the student, records a recitation of the sentence from the student and evaluates the recitation of the sentence from the student by comparing the recitation of the sentence with the benchmark audio. The system provides feedback to the student on the pronunciation and intonation of each word in the sentence.

Documents incorporated by reference are the following:

D1: KR2001-0092176 A;      D2: US6296489 B1;      D3: JP2002-40926 A

D1 discloses a method for learning language and method for implementing the learning method using internet and system therefor. A learner connects to a learning server and performs a log-in process. The learner selects a learning language and selects a word or a sentence to be learned. If the learner pronounces the selected sentence, a learner(client) transmits the mouth shape of the learner photographed by a camera to a language learning server through the internet. The language learning server stores the voice and shape in a member audio database and a member video database. A web control unit controls an output wave of the voice for a frequency analysis, and an intonation analyzing unit and a rhythm analyzing unit control the intonation and the rhythm of the selected sentence. The web control unit analyzes the frequency of the original voice and compares the frequency with the pronunciation, the intonation, the rhythm analyzing result of the selected sentence. The compared result is managed as learning contents and the web control unit updates a learning history database. Thus, the learner may correct one's pronunciation, an intonation, and a rhythm.

D2 discloses a Network implemented training method for distance learning applications, involves archiving captured multimedia data over the network. Multimedia data like speech or audio  
(The following see the Supplemental Box.)

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of : Box No. V

data, video data is captured from an user. A feedback is provided to the user by allowing the user to play and capture multimedia data which is then archived over the network. For capturing the multimedia data from a user and one or more multimedia source files, an applet program like Java sound applet is downloaded. For recording, analyzing and archiving sound files for distance learning applications like language learning, communication skills training, performance art training, and speech language assessment and/or therapy or any other application over world wide web using Internet connected computers. Used for any of following didactic and/or diagnostic purposes training in areas like spoken aspect of second or foreign language, training in targeted business communication skills like pronunciation, voice tone and pitch, speaking pace, formality level, vocabulary development and other communicative strategies like persuasion, for reaching voice and instrumental instruction and for drama coaching or for speech language pathology diagnosis and therapy or for any other sound augmented training or instruction.

D3 discloses a Foreign-language pronunciation learning and oral test method on internet involves learning DTW substrate difference comparison network to minimize calculated value differences. A DTW substrate difference comparison network computes the difference of rhythm in the voice tone of a student and a speaker. An error calculation network computes the difference of the output of the DTW substrate difference comparison network and the value of an expert evaluation comparison network. The DTW substrate difference comparison network is learned to minimize the computed difference.

On the face of it, each of D1—D3 doesn't disclose all of technical features of claims 1—34, so the claims 1—34 meet the requirement of Articles 33(2).

However, each of D1—D3 discloses the most of technical features of the claims 1—34, and the distinguishing features are obvious to the person skilled in the relevant field of technology. For example, the distinguishing features between the claim 1 and D1 include: a server module download related data to a client module according to the claim 1, but according to D1, the client module download related data from the server module; a student login after download according to the claim 1, but according to D1, the student login before download. It is undoubted that all of the above distinguishing features are common knowledge in the relevant field of technology. Similar to the above case, all of the distinguishing features between the claims 1—34 and each of D1—D3 are common knowledge in the relevant field of technology, and the whole technical solutions are also obvious to the person skilled in the relevant field of technology. So the claims 1—34 don't meet the requirement of Articles 33(3).

Additionally, Since the present invention relates to a homework assignment and assessment system for spoken language education and testing, so the claims 1—34 meet the requirement of Article 33(4).